

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VENTURA FOODS, LLC,

Plaintiff,

-against-

SUPREME OIL COMPANY,
INCORPORATED.,

Defendant.
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USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/10/07

07 Civ. 7338(PKC)

ORDER

P. KEVIN CASTEL, District Judge:

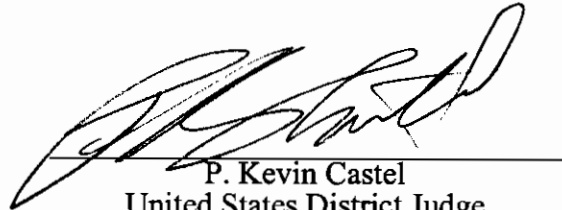
I have the letters of the parties dated October 9 and 10 and order as follows:

1. The deposition of Mr. Splane shall go forward as scheduled on October 11, 2007.
2. The information in Ms. Brennan's letter of October 10 at page 5 does not warrant sealing.
3. Plaintiff shall respond forthwith to defendant's Document Requests Nos. 1 through 7 and No. 9. Plaintiff need not respond to Document Request No. 8.
4. Each side is obligated to provide the information required by Local Rule 26.2 as to any and all responsive documents withheld on the grounds of privilege or work product, including as to documents responsive to defendant's Document Requests Nos. 1 through 7 and No. 9. Failure to do so may waive the privilege or work product protection.
5. Any document to be offered into evidence at the preliminary injunction hearing shall be identified and produced to the other side three business

days prior to the hearing.

6. With respect to defendant's Document Request No. 14, plaintiff shall forthwith identify (see Local Rule 26.3) each person (including entities) to whom any product bearing the trademark was sold at any time from January 1, 2006 through September 30, 2007. No other information need be produced in response to Document Request No. 14.
7. All other relief requested by any party is denied.
8. I will direct counsel to arrange for a face to face meeting between the principal officers of plaintiff and defendant with their respective counsel to discuss a resolution of this case. If no other time or place can be arranged, then the parties may use my jury room commencing at 10 a.m. on October 16, 2007, provided they first contact the undersigned's Deputy Clerk.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
October 10, 2007